

REMARKS

Claims 33-49 are currently pending in this application. Claims 33, 35, 36, 45-47 and 49 have been amended. No new matter has been added by these amendments. Applicants have carefully reviewed the positions presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §112

Claims 33-49 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specific claim language in claims 33, 35, 36, 45 and 49 was identified as not clearly understood. Each of these claims has been amended as follows.

Claim 33, line 15; claim 45, line 15 and claim 49, line 15 have been amended to recite “selected character attribute.” Claim 33, line 16; claim 45, line 16 and claim 49, line 16 have been amended to recite a singular “character attribute.” Claim 35, lines 2 and 4 have been amended to recite “or” instead of “and.” Regarding the meaning of “passive presentation,” attention is directed to page 12, line 25 of the specification, wherein passive and interactive presentations are clearly defined. Claim 36, line 4 has been amended to recite “or” instead of “and.” Line 4 has also been amended to recite “plurality of character-persona presentations,” thus clearly referring back to claim 35. Although not cited in the Office Action, claims 46 and 47 have been similarly amended to recite “or” instead of “and.”

In view of the foregoing amendments, Applicants submit that claims 33-49 satisfy the requirements of 35 U.S.C. §112, second paragraph.

Claim Rejections Under 35 U.S.C. §103

Claims 33-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,545,682 to *Ventrella et al.* in view of U.S. Patent No. 6,634,949 to *Briggs et al.*

Independent claims 33, 45 and 49 have been amended to include the substance of canceled claim 43. These claims now recite the storage of character data (*e.g.*, human figures) and character-attribute data (*e.g.*, hairstyle, clothing, eye wear, hat, shoe style, etc.), and the linking of character-attribute data with character data. The claims further recite the storage of

character-persona data, *i.e.*, audio presentations (*e.g.*, background music, sound effects and character comments) and/or visual image presentations (*e.g.*, background scenery, text-identified links, pictorial-identified links and pop-up menus and windows), and the linking of such presentations to the character-attribute data. The character data and linked character-attribute data are used by network users to create on-line characters, while the character-attribute data and linked character-persona presentations are used to present certain visual image and/or audio presentations to the users through a user interface.

The characters are created in real-time, *i.e.*, upon selection of a character by a user through a user interface, that character is presented to the user interface along with one or more selectable character-attributes that are linked to the selected character. Upon selection of a character attribute through the user interface, the selected character including the selected character attribute is presented to the user interface in real time. The number of times a particular character attribute is selected is tallied and stored. This tallying provides for the collection of data related to selections made by the users. Once a character and character attribute are selected, at least one character-persona presentation that is linked to one of the character's character attributes, is presented to the user interface.

Neither *Ventrella et al.* nor *Briggs et al.*, disclose the tallying and storing of the number of times a particular character attribute is selected by users. The portions of *Ventrella et al.* cited in the Office Action (under the rejections of claims 43 and 44) as disclosing the storage of the number of times a character attribute is selected, have been carefully reviewed and Applicants submit that the cited portions relate to the storage of animation objects, scripts, models and vales – not to the tallying of user selections – and are thus completely off point. *Briggs et al.* does not disclose tallying user selections either. In view of this, Applicants submit that neither *Ventrella et al.* nor *Briggs et al.*, either alone or in combination, teach or suggest the invention claimed in independent claims 33, 45 and 49. Accordingly, Applicants request reconsideration of the §103 rejections of these claims and their respective dependent claims.

Although all claims are believed allowable in view of the above analysis, Applicants wish to address the bases for rejections of some of the dependent claims, particularly in view of the

clarification in claims 33 and 45 that the claimed “character-persona data” is different from the claimed “character data” and the “character-attribute data.”

As recited in claims 33 and 45, once a character and character attribute are selected, at least one character-persona presentation is presented to the user interface. These presentation may be either interactive or passive (claims 35, 36, 46, 47). A passive presentation is one that the user may not interact with; it may be, for example, a background scene or music. An active presentation is one that the user can interact with, by, for example, making selections through a graphical user interface regarding questions on current topics or activating a link to a web page (claim 38) or another network site (claims 39 and 40). A record of the user’s interaction with an active presentation is stored in a database (claim 37). An example of such a record is shown in figure 11 of the specification, under the “Actions Taken” section. When a user who has created a character links to another network site, the character follows him (claim 41).

Applicants have reviewed those portions of *Ventrella et al.* cited for disclosing the features of claims 35-41, 46 and 47 and submit the cited portions are no longer applicable in view of the clarification in base claims 33 and 45 that the character-persona data is different from the character data and the character-attribute data. In this regard, it is significant to note that in the Office Action, both the claimed “character data” and the claimed “character-persona data” are identified as corresponding to the same disclosure in *Ventrella et al.*, namely the “avatars, figs 3-7; col. 8, lines 5-30.” In view of this *Ventrella et al.* does not disclose the claimed character-persona data.

Returning to the data collection aspect of the invention, dependent claim 44 provides another level of data collection by reciting the storage of character sub-attribute data that is linked to character-attribute data. Upon selection of a character attribute (*e.g.* shoe style) by a user through a user interface, the character having the character attribute is presented to the user interface along with at least one selectable character sub-attribute (*e.g.* shoe color) that is linked to the selected character attribute. Upon selection of a character sub-attribute through the user interface, the selected character including the selected character sub-attribute is presented to the user interface in real time. The number of times a particular character sub-attribute is selected by users is tallied and stored. *Ventrella et al.* does not disclose the storage of character sub-attribute

data that is linked to character-attribute data nor does it disclose the tallying of user selections of character sub-attribute data.

In view of the forgoing, Applicants submit that the features of dependent claims 35-41, 44, 46 and 47 are not disclosed in *Ventrella et al.*

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of Applicants' claims 33-49 are believed to be in order and a Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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